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Btw

**PATENT**  
016295.0672

Pursuant to 37 C.F.R. § 1.8, I hereby certify that I have information and a reasonable basis for belief that this paper will be deposited as first-class mail with the United States Postal Service on December 2, 2004 in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Rzh*  
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Signature

12-2-04

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Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Mashayekhi et al.

Serial No.: 09/927,047

Filed: August 9, 2001

Invention: Failover System and Method for  
Cluster Environment

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Group No.: 2114

Examiner: Bryce P. Bonzo

**RESUBMISSION OF CLAIM AMENDMENT IN RESPONSE TO  
NOTICE OF NON-COMPLAINT AMENDMENT (37 C.F.R. 1.121)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In response to the Notice of Non-Complaint Amendment (37 C.F.R. 1.121), which was mailed on November 4, 2004, Applicants resubmit the "Amendment to the Claims" portion of the "Response to Office Action" filed on November 1, 2004.

The amendment to the claims portion of the response to the pending office action is corrected herein to include the text of the withdrawn claims.

Although applicants believe that no fee is due for the filing of this paper, Applicants hereby authorize and instruct the U.S. Patent and Trademark Office to charge Deposit

Account No. 02-0383 (matter 016295.0672) of Baker Botts L.L.P. for any additional charges necessary for the filing of this paper.